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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,413	10/16/2001	Otis F. Brown	9D-EC-19899/064853.031	6275

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EXAMINER	
KRISCIUNAS, LINDA MARY	

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/981,413	BROWN ET AL.	
	Examiner	Art Unit	
	Linda Krisciunas	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 June 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 22, 2006 has been entered.

Claims 1-16 are pending. Amendments have been made to claims 1-2, 7 and 9.

Response to Amendment

2. The responses to the amendments have been addressed in the art rejection section.

Response to Arguments

3. The Applicant's arguments with respect to claims 1 and 9 have been considered, but are deemed not persuasive. The limitation "rules being programmed to automatically assign an order and predefined corrective action" is taught in column 9, lines 4-19 where the LSAT (102) uses a selection algorithm to process preprogrammed logic that is applied to the data elements to select an appropriate work plan for processing the order, where the preprogrammed logic applies to orders that require expediting or are in a jeopardy status, as noted in column 9, lines 30-31, which implies that corrective actions are part of the programmed logic and will be selected to process the order(s) in question. The system is selecting the action, not a person. These work plans are sent in the form of schedules as noted in column 9, lines 34-41.

The Examiner maintains that to expedite an order is a corrective action. The algorithm that the system uses to schedule tasks associated with the order would provide explicit actions via the scheduling, but the function of expediting an order constitutes a corrective action since the scheduling of tasks is modified, and since the logic is preprogrammed these explicit actions are predefined.

With regard to the applicant's argument of claims 6 and 14, that Gabbita does not teach "the set of rules...further configured to assign a lack of progress severity rating based at least in part on continuing lack of progress beyond a fix completion date", the Examiner asserts that Gabbita does teach this limitation. Column 9, lines 29-33 teach an "expedite" status and a "jeopardy" status, with the jeopardy status taking preference over the expedite status in the escalation process (217). Therefore, these two ratings do provide means for differentiating the severity rating of the order whereby the order still has not been completed which constitutes a lack of progress beyond a completion date.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1 and 9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the

invention. The term "predefined corrective action" and "classification table" do not appear in the specification and therefore are not enabled.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gabbita et al (US 6,937,993).

As per claims 1 and 9, Gabbita teaches a computerized method for managing and communicating information regarding an order of goods among a group of teams responsible for performing tasks through designated personnel that, when successfully performed, allow for fulfilling an order within a requested delivery date (See Figure 1C, Figure 2 and column 3, lines 53-65. Figure 1C shows an order system (136) being computerized (138) and communicating to the LSP staff (139) and the construction group (144) who will install the goods and notifies the LSAT of its completion so that the order is monitored at all times for delivery completion as noted in column 2, lines 8-13) comprising: storing order data in a database (column 4, lines 51-52), the order data including at least one identifier (column 6, lines 34-42: where the LSAT coordinates and tracks the order which indicates that there is an identifying feature to the system) associating a respective order to a respective customer (column 6, line 28: work order,

where work orders contain customer information, such as a customer number), the order data includes a delivery date for the order (column 9, lines 23-28: delivery date); gathering in the database the progress of the order relative to the requested delivery date (column 16, lines 61-67: history file data: records the details of the activities and events that occur as the order moves through the system which allows for reports on order processing.); storing a set of rules that determines the potential cause of impeding the order progress relative to its delivery date (column 2, lines 37-39: monitors each work step and notifies pending work. The system in turn notifies the people: column 2, lines 64-67 and column 3, lines 1-5 teach users log onto their stations and there is notice of work and who is responsible), the rules being programmed to automatically assign an order and predefined corrective action (column 2, lines 8-13: the cause of delay is determined and the corrective action is sent. See also column 9, lines 29-41: where the LSAT prioritizes the scheduling and determines the order in which the activities should be completed using work plans and scheduling algorithms. An algorithm is programmed and therefore the assignment of work is automatic since it is based upon the programmed algorithm. The status labels of "expedite" and "jeopardy" have defined action steps associated with them in the algorithm to keep the order on schedule, as noted in column 10, lines 6-8: "scheduling algorithm". See also, column 9, lines 4-19 where the LSAT (102) uses a selection algorithm to process preprogrammed logic that is applied to the data elements to select an appropriate work plan for processing the order, where the preprogrammed logic applies to orders that require expediting or are in a jeopardy status, as noted in column 9, lines 30-31, which implies

that corrective actions are part of the programmed logic and will be selected to process the order(s) in question. The system is selecting the action, not a person. These work plans are sent in the form of schedules as noted in column 9, lines 34-41.) to selected personnel in a team, based in part on the impeding order progress and an order processing responsibility of the respective team (column 2, lines 38-39: notifies of pending work and column 2, lines 64-67 and column 3, lines 1-5 where users log onto their stations and there is notice of work and who is responsible; processing the data relative to the rules for performing the automated assignment (column 2, lines 8-13: the cause of delay is determined and the corrective action is sent. See also column 9, lines 29-41: where the LSAT prioritizes the scheduling and determines the order in which the activities should be completed using work plans and scheduling algorithms. An algorithm is programmed and therefore the assignment of work is automatic since it is based upon the programmed algorithm. The status labels of "expedite" and "jeopardy" have defined action steps associated with them in the algorithm to keep the order on schedule, as noted in column 10, lines 6-8: "scheduling algorithm") of the order and predefined corrective action to the selected personnel in the event lack of progress is determined (column 10, lines 6-8: "scheduling algorithm" which is a defined set of instructions in the algorithm, (which means it would have to be pre-defined if it's in the algorithm) for prioritizing the tasks associated with the "expedited" or "jeopardy" orders.), the predefined corrective action assigned to cure the potential cause impeding progress of any order relative to its respective delivery date (column 9, lines 4-19 where the LSAT (102) uses a selection algorithm to process preprogrammed logic that is

applied to the data elements to select an appropriate work plan for processing the order, where the preprogrammed logic applies to orders that require expediting or are in a jeopardy status, as noted in column 9, lines 30-31, which implies that corrective actions are part of the programmed logic and will be selected to process the order(s) in question. The system is selecting the action, not a person. These work plans are sent in the form of schedules as noted in column 9, lines 34-41. The person responsible for executing the newly scheduled tasks is notified as indicated in column 2, lines 64-67 and column 3, lines 1-5 teach users log onto their stations and there is notice of work and who is responsible.); and triggering a message to notify the personnel of the assignment of the order and predefined corrective action (column 2, lines 38-39: notifies of pending work and column 2, lines 64-67 and column 3, lines 1-5 where users log onto their stations and there is notice of work and who is responsible); and); storing a classification table in the database, the classification table including data classifying each respective order both as a function of team order processing responsibility and number of days a respective order is overdue relative to a requested delivery date (Gabbita teaches storing information with respect to who is responsible as previously indicated in column 2, lines 38-39 and column 3, lines 1-5 where users log onto their stations and are notified of work and who is responsible.); providing access to the classification table through a respective interface medium (the interface is the intranet or the like as indicated in column 2, line 65). Gabbita does not explicitly teach data classifying the orders with respect to the number of days overdue relative to a requested date. Official notice is taken that it is old and well known to indicate the

number of days a task or order is overdue. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the workflow system of Gabbita with the days overdue feature to provide means for explicitly displaying the number of days overdue instead of relying on the algorithm or a person to determine when to expedite an order. One such example of this is in the workflow software application of Microsoft Project 2000. See "Special Edition Using Microsoft Project 2000" by Tim Pyron, Que Publisher, September 27, 2000, page 4 lists an interface which indicates that tasks are overdue, page 5 describes tasks as the new tasks that have been assigned and a notice of overdue, and page 11 Figure 17.1 indicates the variance or amount overdue in hours, which can easily be converted to days or any other measure of time. Other such applications also teach overdue tasks, such as Domino Workflow, see USPTO 892 form.

As per claim 2 and 10, Gabbita teaches the message includes a link for accessing the database through the interface including detailed information regarding the status of the order (column 5, lines 18-21 and column 15, lines 26-27).

As per claim 3 and 11, Gabbita teaches the interface comprises a web page including a target date for performing the corrective action (column 2, lines 65-67 (120) and column 3, lines 1-8 where users can log on via an intranet or the like (which is equivalent to a web page) and receive progress data and who is responsible and determine information about the delay before it becomes critical. Therefore, the target date would be right before it becomes critical.).

As per claim 4 and 12, Gabbita teaches the web page includes a data field for recording actions taken by the personnel to remove the lack of order progress (column 11, lines 45-46 and column 18, lines 44-47).

As per claim 5 and 13, Gabbita teaches the web page includes a data field for recording comment data regarding the status of the order and/or actions taken to remove the lack of order progress (column 11, lines 34-35: history file).

As per claim 6 and 14, Gabbita teaches the rules are configured to assign a lack of progress severity rating based in part on continuing lack of progress beyond a fix completion date (Column 9, lines 29-33 teach an "expedite" status and a "jeopardy" status, with the jeopardy status taking preference over the expedite status in the escalation process (217). Therefore, these two ratings do provide means for differentiating the severity rating of the order whereby the order still has not been completed which constitutes a lack of progress beyond a completion date.).

As per claim 7 and 15, Gabbita teaches the rules include a set of escalation rules for progressively assigning corrective actions to higher levels of supervisory personnel (column 18, lines 34-47: If Jeopardy points are not completed on time the item is placed in a Jeopardy state and will initiate a Jeopardy Escalation process whereby authorized users (deemed equivalent to supervisory personnel) reassign the work to another resource and the process repeats if the timing is not met.) based on a lack of progress severity ratings assigned to a respective order and a team member being unable to resolve an issue impeding progress of the respective order (escalation (217) and column 10, lines 3-5: color coding as means for indicating severity/escalation, where the

use of an escalation process implies that a resolution was not made prior and urgency is required).

As per claim 8 and 16, Gabbita teaches the teams are selected from the group of: order entry team (column 19, lines 55-56 (302) and lines 32-37 (310)), goods availability team (column 20, lines 26-27 (318)) and goods delivery team (column 22, line 43-44).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following also teach workflow order management: Postelnik et al (US 7,069,235), Xu et al (US 6,493,694), Gabbita et al (US 6,349,238), Gabbita et al (US 6,937,993), Aram (US 2002/0072988), Nauckhoff (US 5,893,128), Scheer (US 2002/0161674), Martin et al (US 6,029,140), "Using Domino Workflow" by Nielsen et al, IBM, May 26, 2000; "Lotus Domino Release 5.0: A Developer's Handbook" by Collins et al, IBM, September 24, 1999; "Biz intelligence turns to suppliers" by Whiting, Information Week, October 15, 2001; "Towards Intelligent Integrated Manufacturing Planning Execution" by Chu et al, The International Journal of Agile Manufacturing, 1997; "Supporting Human Interactions within integrated manufacturing systems" by Tolone et al, International Journal of Agile Manufacturing, 1998; and "Integrating Manufacturing Softwares for Intelligent Planning-Execution: A CIIMPLEX Perspective" by Chu et al, Plug and Play for Agile Manufacturing SPIE Proceedings, November 1996.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linda Krisciunas whose telephone number is 571-272-

6931. The examiner can normally be reached on Monday through Friday, 6:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LMK

LMK
July 11, 2006

Romain Jeanty
Primary Examiner
Art Unit 3623